

## GENERAL INFORMATION

### **2003 RENEWAL NONPUBLIC, NONSECTARIAN SCHOOL APPLICATION** **CERTIFICATION SHOULD NOT BE CONSTRUED AS AN EVALUATION, ACCREDITATION, APPROVAL,** **RECOGNITION, OR ENDORSEMENT OF ANY NONPUBLIC SCHOOL, OR COURSE.**

A nonpublic, nonsectarian school (NPS) that seeks certification as an NPS in order to contract for special education services shall file an initial application and pay certification fees to the California Department of Education (CDE). NPS certifications expire on December 31 of each year. Based on *Education Code* (EC) section 56366.1(g), annual renewal applications, along with recertification fees, will be accepted between August 1 and October 31.

### **CERTIFICATION STANDARDS**

No master contract for special education and related services provided by an NPS shall be authorized unless a school has been certified as meeting those standards relating to the required special education and specified related services and facilities for individuals with exceptional needs. The certification shall result in the school receiving approval to educate pupils for a period no longer than four years from the date of the approval. The procedures, methods, and areas of certification, including information required for purposes of the application specified in *EC* 56366.1(a), shall be established by rules and regulations issued by the California State Board of Education (SBE) that shall include, but not be limited to, procedures for conducting on-site reviews of the NPS program and provisions specific to providing special education and related services to individuals with exceptional needs from birth to preschool. In addition to those standards adopted by the SBE, the school shall meet all applicable standards relating to fire, health, sanitation, and building safety.

[California *Education Code* § 56366]

### **CERTIFICATION FEES**

A school shall be charged a reasonable fee for renewal of certification. CDE may adjust the fee annually commensurate with the statewide average percentage inflation adjustment computed for revenue limits of unified school districts with greater than 1,500 units of average daily attendance if the percentage increase is reflected in the district revenue limit for inflation purposes. For purposes of this section, the base fee shall be the following:

* 1 - 5	pupils	-	\$ 159.00
6 - 10	pupils	-	\$ 265.00
11 - 24	pupils	-	\$ 530.00
25 - 75	pupils	-	\$ 795.00
Over 75	pupils	-	\$1,059.00

A school shall pay certification fees when it applies for certification and when it submits its annual renewal update application to the CDE. The CDE shall use these fees to conduct on-site reviews, which may include field experts. No fee shall be refunded if the application is withdrawn or is denied by the CDE. [California *Education Code* § 56366.1 (j)]

Certification fees are required with the application in the form of either a personal or business check, money order, or cashier's check made payable to: CALIFORNIA DEPARTMENT OF EDUCATION.

**Note: Include the name of the school on the check or money order.**

\*Represents total or projected enrollment, at any one time, of all students served by the NPS.

## **STAFF QUALIFICATIONS AND REQUIREMENTS**

“Qualified” means that a person has met federal and state certification, licensing, registration, or other comparable requirements which apply to the area in which he or she is providing special education or related services, or, in the absence of such requirements, the state-education-state-approved or recognized requirements, and adheres to the standards of professional practice established in federal and state law or regulation, including the standards contained in the California Business and Professions Code. Nothing in this definition shall be construed as restricting the activities in services of a graduate student needing direct hours leading to licensure, or of a student teacher or intern leading to a graduate degree at an accredited or approved college or university, as authorized by state laws or regulations.

[California Code of Regulations, Title 5, § 3001(y)]

“Notwithstanding any other provision of law, only those [NPS] that provide special education and designated instruction and services utilizing staff who hold, or are receiving training under the supervision of staff who hold, a current valid California credential or license in the service rendered shall be eligible to receive certification.”

“Only those [NPS] located in a state outside of California that employ staff who hold a current valid credential or license to render special education and related services as required by that state’s regulations shall be eligible to be certified for the placement of California students.”

[California Education Code §56366.1 (k)(1)]

Nothing in this subdivision restricts student teachers, interns, or other staff who are enrolled in training programs that lead to a license or credential that authorizes the holder to render services to special education students and who are under the direct supervision of a staff member who holds a current valid California credential, license, or certificate of registration document. [California Education Code § 56366.1(l)(2)]

### **Restrictions on Staffing**

An NPS that employs only persons who hold a valid California credential authorizing substitute teaching pursuant to Section 56060 shall not be certified. At least one full-time person with a current valid California credential, license, or certificate of registration in the area of service to be rendered, or a current valid credential, license, or certificate of registration for appropriate special education and related services rendered that is required in another state, shall be required for purposes of certification under subdivision (d) of 56366.

[California Education Code § 56366.1 (k)(3)]

An NPS that employs persons holding a valid emergency special education credential shall document efforts of recruiting appropriately credentialed, licensed, or registered personnel for the special education and related services rendered as a condition of renewing certification.

[California Education Code § 56366.1 (k)(4)]

“Credential” means any valid credential, life diploma, permit, or document in special education or pupil

personnel services issued by, or under the jurisdiction of, the State Board of Education prior to 1970 or the California Commission on Teacher Credentialing, which entitles the holder thereof to perform services for which certification qualifications are required. [*California Code of Regulations, Title 5, § 3001(j)*]

### **Staff Fingerprint Clearance Requirements**

Pursuant to Education Code section 44237, all persons hired after September 30, 1997, who have contact with pupils, must have a completed Department of Justice (DOJ) criminal history clearance before they can be employed by the nonpublic school. For the most current information on fee and fingerprint submissions, please see the DOJ website at [www.caag.state.ca.us/app](http://www.caag.state.ca.us/app) or call (916) 322-2090.

### **Tuberculosis (TB) Clearance Requirements**

Retain TB examination clearance forms at the state site. Do not submit the clearance unless requested. TB clearances are valid for four (4) years. Skin tests must be the Mantoux 5TU Co.1 cc P.P.D injected intradermally, other skin tests are not acceptable. Only those with documented, positive skin tests may submit certificates to prove absence of active tuberculosis (this may or may not include a chest x-ray). [*California Education Code § 49406; Public Resources Code §§ 121525-121555*]

### **EACH SITE SHALL BE CERTIFIED**

Pursuant to Education Code section 56366.1(b), if a nonpublic school operates a program at more than one site, each site shall be certified. If an NPS operates a facility or program on more than one site, they shall not claim and are not entitled to receive reimbursement for attendance unless under a contract with a local education state (LEA), i.e., school district, special education local plan area (SELPA), or county office of education, and the site where the student is receiving special education or designated instruction and services, is certified. [*California Education Code § 56366.1(c)*]

### **CAUSES FOR SUSPENSION OR REVOCATION OF CERTIFICATION**

The CDE may suspend or revoke any certification for any of the following reasons:

1. Violation of any applicable state or federal rule or regulation, or aiding, abetting, or permitting the violation of any applicable state or federal rule or regulation.
2. Falsification or intentional misrepresentation of any element of the application, pupil records, or program presented for certification purposes.
3. Conduct in the operation or maintenance of the NPS that is harmful to the health, welfare, or safety of an individual with exceptional needs.
4. Failure to comply with any provision in the contract with the local entity.
5. Failure to notify the CDE in writing of any of the following within **45** days of the occurrence:
  - (A) Changes in credentialed, licensed, or registered staff who render special education and related services, ownership, management, or control of the NPS.
  - (B) Major modification or relocation of facilities.
  - (C) Significant modification of the NPS program.

6. Failure to implement recommendations and compliance requirements following an on-site review of the NPS.
7. Failure to provide appropriate services, supplies, equipment, or facilities for a pupil as required individualized education program (IEP).
8. Failure to notify the CDE in writing within ten (10) days of the revocation or suspension of any license or permit including, but not limited to, any residential care license, business license, or other required license or permit.
9. Failure to implement a pupil's IEP.
10. Failure to notify the CDE in writing within ten (10) days of the death of a pupil or any other individual of unnatural causes within the NPS, including the circumstances surrounding the death and any appropriate preventative measures being taken or recommended.

Failure to notify the Superintendent in writing within 10 days of the death of a pupil or any other individual of unnatural causes within the agency, including the circumstances surrounding the death and any appropriate preventative measures being taken or recommended.

The CDE shall notify contracting LEAs and the SELPA in which the NPS is located of the determination to suspend or revoke state certification. [California Education Code § 56366.4]

#### **NOTICE OF DENIAL, REVOCATION, OR SUSPENSION OF CERTIFICATION**

- (A.) Within 20 working days of receipt of the notice of denial, revocation, or suspension of certification, the NPS may file a written petition to request a review by the CDE of the decision. The petition may include written arguments or a request to present an oral argument.
- (B.) Within 30 working days of receipt of the written petition, CDE, or a designee, shall prepare a written, reasoned decision, that shall be the final administrative decision. The designee of the CDE shall be impartial, unbiased, and shall not have participated in the CDE decision to deny, revoke, or suspend the NPS certification.
- (C.) Any public education state that contracts with a certified NPS may request the CDE to review the status of the NPS. The request shall be in writing and a copy sent to the NPS. [California Education Code § 56366.6]

**For more information, contact the Office of Nonpublic Schools and Agencies at (916) 327-0141 to request a copy of the Appeal Process, Program Advisory No. 93-02 (Revised).**

#### **GUIDELINES FOR SITE RELOCATION**

Notification of relocation of an NPS must be provided to the CDE in writing within 45 days of the move. A new fire and health clearance, building safety inspection, zoning clearance, business license, written disaster and mass casualty plan of action must be included. Contact the Office of Nonpublic Schools and Agencies at (916) 327-0141 to request forms, or visit the Special Education Division website at

<http://www.cde.ca.gov/spbranch/sed/> .

## **MAILING INSTRUCTIONS**

Mail the completed renewal update application forms, and the required certification fee, to the appropriate address below. **Renewal Application updates must be postmarked by Thursday, October 31, 2002.** The certification fee must be included with the required renewal application forms, in the form of a personal or business check, money order, or cashier's check made payable to: California Department of Education. Retain a copy of your application update for your files. Incomplete application updates will be returned and certification fees will be subject to forfeiture.

### **Mailing address for USPS regular mail and overnight Express Mail:**

California Department of Education  
Special Education Division  
Office of Nonpublic Schools and Agencies  
P.O. Box 1738  
Sacramento, CA 95812-1738

### **Physical address for UPS, FedEx, etc., and overnight mail/packages:**

California Department of Education  
Special Education Division  
Office of Nonpublic Schools and Agencies  
428 J Street, Suite 500  
Sacramento, CA 95814

**NOTE: To assist the Office of Nonpublic Schools and Agencies in processing and logging your application update, date each page, do not submit your application update in a binder, bound or in page cover sheets. It is helpful when the application update is either only stapled or paper clipped and the check is paper clipped to the application. The nonpublic school should maintain this general information.**